

REMARKS

Claims 1-3 and 6-10 are pending in the present application.

I. FORMAL MATTERS

Claim 8 is rejected under 35 U.S.C. § 112, second paragraph. Applicant submits that the amendments to claim 8 presented above address and resolve the Examiner's noted comments. The similar amendment has been made to claim 2 herein.

II. PRIOR ART REJECTIONS

A. Claims 1-3 and 6, 7 and 10

Claims 1-3 and 6, 7 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahmad (U.S. Patent 6,532,022) in view of Parulski (U.S. Patent 5,914,748). This rejection is traversed.

This rejection is substantially similar to the rejection of claims 1-3 and 6, 7 and 10 set forth in the office action dated March 9, 2005. Further, the Examiner asserts that Applicant's arguments presented in the Amendment filed on June 9, 2005 are not persuasive. Applicant has amended independent claims 1 and 10 herein to recite that only a single image is input after a predetermined amount of time, as shown above. Applicant submits that this feature is not taught or suggested by Ahmad and Parulski.

As discussed in the Amendment filed on June 9, 2005, in Ahmad, once a shutter button has been pressed, a plurality of images for a background are repeatedly input. Specifically, Ahmad teaches to perform a set number of iterations to create the background image until certain criteria are met before taking the second image (see Figs. 3A and 3B, col. 6, line 48 – col. 7, line 47). Ahmad teaches to use an iterative process to first create a background image by averaging several frames of a background image. After the number of iterations reaches the desired number of iterations N, the system computes the tolerance for each pixel (see boxes 308, 310 and 312 in Fig. 3A) and captures a frame of an input image. When there are no more pixels in the average image, the process captures a frame of an input image containing a background image and the object (see box 314). Therefore, in Ahmad, once a shutter button has been pressed, a plurality of images for a background are repeatedly input. In the present invention, after a shutter button has been pressed, when a predetermined amount of time elapses, a single image for a background is input. This effectively limits the adverse effects caused by hand movement.

Parulski fails to make up for this deficiency of Ahmad. Therefore, because the combination of Ahmad and Parulski does not form the invention defined by claims 1 and 10, on which claims 2, 3, 6 and 7 depend, the rejection of claims 1-3, 6, 7 and 10 under 35 U.S.C. § 103(a) is overcome (see MPEP 2143.03).

Also, because Ahmad teaches to input a plurality of images for a background once a shutter button has been pressed, Ahmad teaches away from the claimed invention, in which only a single image is input after a predetermined amount of time.

Therefore, Applicant submits that the rejection of claims 1-3, 6, 7 and 10 under 35 U.S.C. § 103(a) is overcome. Thus, Applicant respectfully submits that the rejection should be withdrawn.

B. Claims 8 and 9

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahmad in view of Parulski and further in view of U.S. Patent 5,267,333 (Aono). This rejection is traversed.

Aono fails to make up for the above-noted deficiencies of Ahmad and Parulski. Therefore, because the combination of Ahmad, Parulski and Aono does not form the invention defined by claims 8 and 9 the rejection of claims 8 and 9 under 35 U.S.C. § 103(a) is overcome and should be withdrawn (see MPEP 2143.03). Also, as presented above with respect to the rejection of claims 1-3, 6, 7 and 10, Ahmad teaches away from the claimed invention.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the

Examiner believes that any of the outstanding issues could be resolved by a telephone conference, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully Submitted,



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